

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MALIBU MEDIA, LLC, §
§
Plaintiff, §
§
v. § Civil Action No. SA-19-CV-931-XR
§
JOHN DOE, §
§
Defendant. §

ORDER

On this date, the Court considered Plaintiff Malibu Media, LLC's Motion for Extension of Time Within Which it has to Serve Defendant with a Summons and Amended Complaint (docket no. 8). After careful consideration, the Court GRANTS Plaintiff's motion.

Plaintiff Malibu Media makes adult films, viewable with a subscription to Plaintiff's website. Plaintiff alleges its films are frequently infringed upon by free distribution on the BitTorrent network. As part of an effort to stop this alleged infringement, this case is one of many copyright-infringement cases brought by Plaintiff Malibu Media against John Doe defendants. Plaintiff alleges Defendant John Doe, identified only by an Internet Protocol ("IP") address, has been recorded infringing Plaintiff's content through the BitTorrent protocol. Plaintiff previously sought leave to serve limited discovery on Defendant's internet service provider ("ISP") to obtain the name and address of the subscriber assigned the IP address. That motion was granted on August 14, 2019.

Plaintiff now seeks leave to extend the time for service of the summons and complaint under Rule 4(m) because it cannot identify and serve the Defendant within the default 90-day time period prescribed for service. Plaintiff states it has served the third-party subpoena on the ISP, but

does not expect to receive the ISP's response until on or about December 16, 2019. Plaintiff asserts it will then need time to conduct an investigation to determine whether the subscriber is indeed the alleged infringer and, if so, to effect service. Plaintiff therefore requests an extension of time to complete service until January 30, 2020.

The Court finds good cause to extend the time for service. *See FED. R. CIV. P. 4(m)* (if a plaintiff shows good cause for the failure to timely serve, the court must extend the time for service for an appropriate period). Plaintiff's motion (docket no. 8) is GRANTED and the Court extends the time for service until January 30, 2020. Pursuant to Rule 4(l)(1), Plaintiff shall make proof of service to the Court once service is effected. If Plaintiff requires additional time for service, Plaintiff must request another extension of time.

Because this case cannot move forward until service is completed, the Court finds this case is appropriate for administrative closure. *See Mire v. Full Spectrum Lending, Inc.*, 389 F.3d 163, 167 (5th Cir. 2014) ("District courts frequently make use of this device to remove from their pending cases suits which are temporarily active elsewhere (such as before an arbitration panel) or stayed (such as where a bankruptcy is pending). The effect of an administrative closure is no different from a simple stay . . ."). The Clerk's office is therefore DIRECTED to administratively close this case pending further order of the Court. Though administratively closed, this case will still exist on the docket of this Court and may be reopened upon request or on the Court's own motion. Parties may continue to file motions and documents in the case.

SIGNED this 1st day of November, 2019.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE